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Department of Water Resources
Eastern Region

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Attorneys for
Idaho Water Users Association, Inc.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

10 IN THE MATTER OF APPLICATIONS)
11 FOR WATER RIGHT NOS. 01-07131,)
12 01-07132, 01-07133, 01-07134,)
13 01-07135, 01-07136, 01-07137,)
14 01-07139, 01-07140, 01-07141,)
15 02-07473, 02-07474, 21-07574,)
16 21-07575, 21-07576, 21-07577,)
17 21-07578, 21-07579, 21-07580 BY)
18 THE IDAHO WATER RESOURCE BOARD)

PETITION TO INTERVENE

16 COMES NOW the petitioner Idaho Water Users Association,
17 Inc. and petitions the Director of the Idaho Department of Water
18 Resources for an Order granting intervention by the Idaho Water
19 Users Association to become a party in these proceedings, and in
20 support of this petition, alleges:

21 1. That Idaho Water Users Association, Inc. is a non-
22 profit corporation whose membership consists of approximately 180
23 irrigation districts and canal companies and 90 associate members,
24 all of whom are actively engaged in the irrigation of arid lands in
25 southern Idaho or who have businesses that are dependent upon
26 irrigated agriculture. The acres irrigated by the irrigation
27 districts and canal companies of the association cover nearly all

PETITION TO INTERVENE

- 1 -

LING, NIELSEN & ROBINSON

ATTORNEYS AT LAW

RUPERT, IDAHO 83350-0396

1 reclamation project lands in Idaho and the association is the
2 largest association of irrigators representing the owners of the
3 approximately 1.2 million acres of lands in southern Idaho
4 irrigated with ground water and the 1.4 million acres of land
5 irrigated with surface water.

6 2. A direct and substantial interest of petitioner is
7 to insure that its members have an adequate water supply, and
8 ground water recharge with surplus water of the State is essential
9 to insure that an adequate water supply is available for ground
10 water diversions and the charging of springs that replenish the
11 flows to the surface water sources of southern Idaho.

12 3. Petitioner seeks to intervene as a party to support
13 the Idaho Water Resource Board and to obtain approval of its
14 Applications for water rights for ground water recharge.

15 4. The Applications for a permit filed by the Idaho
16 Water Resource Board, Twin Falls Canal Company, and North Side
17 Canal Company should be granted for the following reasons, to-wit:

18 a. The water rights sought to be obtained by the
19 Applications would not in any manner injure senior water
20 rights, if any, of the United States Fish & Wildlife
21 Service or the Bureau of Reclamation.

22 b. That the use of surface water for ground water
23 recharge is in the local public interest and will have no
24 significant impact upon fish and wildlife resources,
25 habitat, aquatic life, water quality or threatened and
26 endangered species.

1 c. That the water supply is sufficient for the
2 purpose of recharge of ground water sources.

3 d. The Applications are not made for speculative
4 purposes, but are made to maximize the beneficial use of
5 the water resources of the State.

6 e. That ground water recharge pursuant to the
7 Applications will result in the conservation of the water
8 resources of the State of Idaho.

9 f. That it is within the public policy of the
10 State of Idaho that ground water recharge occurs with
11 unappropriated surface waters of the State to maximize
12 the utilization of the water resources of the State of
13 Idaho.

14 5. That no formal hearing or pre-hearing conference has
15 been set by the Idaho Department of Water Resources in regard to
16 these Applications.

17 6. The address of petitioner Idaho Water Users
18 Association, Inc. is 410 S. Orchard, Suite 144, Boise, ID 83705.

19 7. That intervention by petitioner will not disrupt
20 these proceedings or prejudice any existing party, or in any way
21 unduly broaden the issues pending before the Department of Water
22 Resources.

23 WHEREFORE, petitioner Idaho Water Users Association, Inc.
24 prays that an Order be entered granting petitioner intervention in
25 these proceedings as a party, in support of the Applications filed.
26

1 DATED this 2nd day of December, 1998.

2 LING, NIELSEN & ROBINSON

3
4
5 By: 

6 Roger D. Ling
7 Attorney for Idaho Water Users
8 Association, Inc.

9 CERTIFICATE OF MAILING

10 I hereby certify that on the 2nd day of December, 1998,
11 I served copies of the foregoing *Petition to Intervene* upon:

12 Idaho Water Resource Board
13 1301 N. Orchard Street
14 Boise, ID 83706

15 John A. Rosholt, Esq.
16 ROSHOLT, ROBERTSON & TUCKER
17 Attorneys for Twin Falls Canal Company
18 and North Side Canal Company
19 P. O. Box 1906
20 Twin Falls, ID 83303-1906

21 James C. Tucker, Esq.
22 ROSHOLT, ROBERTSON & TUCKER
23 Attorneys for Idaho Power Company
24 P. O. Box 1906
25 Twin Falls, ID 83703-1906

26 Barbara Scott-Brier, Agency Representative
27 Fish and Wildlife Service
28 U.S. Department of the Interior
500 N.E. Multnomah, Suite 607
Portland, OR 97232

Spence Warner
South Fork Outfitters, LLC
P. O. Box 22
Swan Valley, ID 83449

Marv Hoyt
Greater Yellowstone Coalition
1740 E. 17th Street, Suite F
Idaho Falls, ID 83404

1 Mike Lawson
2 Henry's Fork Anglers, Inc.
3 HC 66, Box 491
4 Island Park, ID 83429

5 Jerrold D. Gregg, Snake River Area Manager
6 U.S. Bureau of Reclamation
7 214 Broadway Avenue
8 Boise, ID 83702-7298

9 Stephen P. Mealey, Director
10 Idaho Fish & Game
11 600 South Walnut
12 Boise, ID 83707-0025

13 Lyn Benjamin
14 Henry's Fork Foundation
15 P. O. Box 852
16 Ashton, ID 83420

17 Marti L. Bridges, Water Policy Director
18 Idaho Rivers United
19 P. O. Box 633
20 Boise, ID 83701

21 Fred and Betty Kippes
22 3951 N 1100 E
23 Buhl, ID 83316

24 by depositing said copies in the United States mail, postage
25 prepaid, in envelopes addressed to said parties at the foregoing
26 addresses.

27 
28 Roger D. Ling